IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9846 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VAGHELA GATORSINH SHIVUBHA

Versus

DISTRICT POLICE OFFICER

Appearance:

1. Special Civil Application No. 9846 of 1999

MR DJ BHATT for Petitioner No. 1

MR MENGDEY, AGP for Respondents

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 16/12/2003

ORAL JUDGEMENT

Heard learned advocate Mr. D.J.Bhatt for petitioner and learned AGP Mr. Mengdey appearing on behalf of respondents.

2. The grievance of the petitioner is that he was remained under suspension for a period of seven years in respect of the criminal prosecution filed against him. Thereafter, he was discharged from the criminal offence by a competent Court. Now that period of suspension has been excluded for the purpose of pensionary benefit by the respondents and that is how the present petition is filed by the petitioner before this Hon'ble Court.

3. Today, when the matter has been taken up for hearing, learned AGP Mr. Mengdey has placed on record the copy of the letter dated 24.4.2001 from Superintendent of Police, wherein, it is mentioned that period of suspension from 22.7.1963 to 31.3.1970 has been treated as pensionable service accordingly pension of the petitioner will be revised and, same has been sanctioned by order dated 12.4.2001 by revised No. 35737. Copy of the revised order of pension is also attached to the said letter which is dated 9.4.2001. This letter has been shown to learned advocate Mr. D.J.Bhatt. Therefore, according to my opinion, no grievance further survive. Therefore, in view of the aforesaid two letters dated 24.4.2001 and 9.4.2001 present petition is accordingly disposed of as grievance of the petitioner is fully satisfied. Rule is discharged.

4. Copies of the two letters dated 24.4.2001 and 9.1.2001 are taken on record.

(H.K.Rathod,J)

Jayanti*